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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THE STATE OF CALIFORNIA, et al.,  
Plaintiffs,

v.

INFINEON TECHNOLOGIES AG, et al.,  
Defendants.

Case No: C 06-4333 PJH

**Plaintiff State of New Hampshire's  
Notice of Voluntary Dismissal  
AND ORDER**

NOW COMES the State of New Hampshire ("State"), by and through its attorney, Kelly A. Ayotte, Attorney General, and pursuant to Fed. R. Civ. P. Rule 41(A), and hereby dismisses without prejudice the claims asserted by the State against Infineon Technologies AG, Infineon Technologies North America Corp., Hynix Semiconductor, Inc., Hynix Semiconductor America, Inc., Micron Technology, Inc., Micron Semiconductor Products, Inc., Mosel Vitelid, Inc., Mosel Vitelic Corp., Nanya Technology Corporation, Nanya Technology Corporation USA, Inc., Elpida Memory, Inc., Elpida Memory (USA) Inc., and NEC Electronics America, Inc., in the above-captioned matter.

Pursuant to Fed. R. Civ. P. 41(A)(1) "an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of

an answer or a motion for summary judgment.” Civil Rule 41(A) also provides that “the dismissal is without prejudice.” Here, the defendants have not served the State with an answer or a motion for summary judgment.

Furthermore, pursuant to Fed. R. Civ. P 23(E), court approval and notice of voluntary dismissal are required only of a “certified class.” Here a class has not been certified.

Respectfully Submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Kelly A. Ayotte  
Attorney General

Date: 7/03/2007

By: /s/ David A. Rienzo  
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**Certification**

I hereby certify that this Notice of Voluntary Dismissal has been filed with the Court using its Electronic Case Filing System (ECFS). Notice to all parties is automatically carried out by the ECFS.

/s/ David A. Rienzo

7/6/07

